



west virginia department of environmental protection

Executive Office
601 57th Street, SE
Charleston, WV 25304

Austin Caperton, Cabinet Secretary
dep.wv.gov

September 13, 2018

Mr. Cosmo Servidio (3RA00)
Regional Administrator
U.S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Re: West Virginia State Plan Revision for the
Control of Air Pollution from Municipal Solid
Waste Landfills

Dear Administrator Servidio:

On behalf of the State of West Virginia, I am herein submitting for approval a revision to the West Virginia State Plan for the Control of Air Pollution from Municipal Solid Waste (MSW) Landfills. This revision to the State Plan is being submitted to fulfill the State's obligations under the Clean Air Act, as amended (CAA). Section 111(d)(1) of the CAA requires each state submit to EPA a plan which establishes standards of performance for any existing source in response to the issuance of Emission Guidelines by EPA and provide for the implementation and enforcement of such standards.

In this revision to the State Plan, West Virginia demonstrates that the State Plan is as protective as the emission guidelines promulgated by EPA. Included with this submittal is an electronic copy on compact disk in searchable PDF format. We certify that the enclosed electronic copy includes an exact duplicate of information contained in the hardcopy submission.

The last revision to Series 23 of Title 45 of the West Virginia Code of State Rules (45 C.S.R. 23), *Control of Air Pollution from Municipal Solid Waste Landfills*, became effective June 1, 2018. The state rule was revised in response to the EPA final rules *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills* under 40 C.F.R. 60, Subpart Cf [81 Fed. Reg. 59276, August 29, 2016] and *Standards of Performance for Municipal Solid Waste Landfills* under 40 C.F. R 60, Subpart XXX [81 Fed. Reg. 59332, August 29, 2016].

I certify that the public notice and public hearing regarding the CAA § 111(d) *West Virginia State Plan Revision for the Control of Air Pollution from Municipal Solid Waste Landfills* was

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held in accordance with criteria specified in 40 CFR §60.23(d). I further certify that the list of attendees, public hearing transcript, summary of received public comments, and response to comment document are included as Appendix B of the revised State Plan.

Pursuant to the final rule published at 49 Fed. Reg. 48692 [14 DEC 1984] that granted delegation of the NSPS program to West Virginia, I am also providing notification that 45 C.S.R. 23 legally adopts 40 C.F.R. 60, Subparts XXX (Standards of Performance for Municipal Solid Waste Landfills), as of June 1, 2017 except as identified in § 45-23-8. The Division of Air Quality (DAQ) intends to enforce the adopted standards in conformance with the terms of EPA's delegation of authority letter dated March 19, 2001. We understand that in accordance with EPA's delegation agreement letters, new or revised NSPS's are "automatically" delegated at the time the State legally adopts such standards, and upon receipt of notice herein.

If you or your staff have any questions concerning this submittal, please contact William F. Durham, Director of the Division of Air Quality at (304) 926-0462.

Sincerely,



Austin Caperton
Cabinet Secretary

AC/lmj
Enclosures

cc: William F. Durham, DAQ
Cristina Fernandez, USEPA/
Mike Gordon, USEPA/3AP10